



TOWNSHIP OF UPPER UWCHLAN  
BOARD OF SUPERVISORS  
REGULAR MEETING, and  
CONDITIONAL USE HEARING  
October 21, 2013  
7:00 p.m.

Approved

Attending:

Board of Supervisors

Guy A. Donatelli, Chair  
Catherine A. Tomlinson, Vice-Chair  
Kevin Kerr, Member

Township Administration

Cary B. Vargo, Township Manager  
Gwen Jonik, Township Secretary  
Jill Bukata, Township Treasurer  
John DeMarco, Police Chief  
Al Gaspari, Codes Administrator  
Mike Heckman, Director of Public Works  
Dave Leh, P.E., Township Engineer  
John E. Good, Esq. – Township Solicitor  
William Handy – Court Stenographer

Mr. Donatelli called the meeting to order at 7:00 p.m., led the salute to the flag, and offered a moment of silence.

Mr. Donatelli requested John Good, Township Solicitor, conduct a Conditional Use Hearing for the Application of Craig Reed / Soccer 360. Mr. Handy, Court Stenographer, recorded the proceedings.

Mr. Good explained the Applicant, Mr. Reed, seeks permission for an indoor training center in the Limited Industrial (LI) District, specifically 50 Senn Drive in the Eagle Industrial Park, for small-group soccer training. This use is not permitted in the LI District without the Supervisors' Approval. The following Exhibits were entered into the Record: B1 Conditional Use Application; B2 Proof of Publication; B3 Notice of the Property Posting; B4 Township Planning Commission Recommendation; B5 Township Engineers' Review Letter. Mr. Reed answered the Solicitor's and the Board's questions regarding class size, hours of operation, parking and lighting adequacy, and potential for growth. The Solicitor and Supervisors explained the Township's traffic impact fee and the calculation process. Mr. Good closed the Hearing, and Mr. Donatelli moved to grant Conditional Use Approval with the following conditions: class size is capped at 12 students, with the opportunity for increased enrollment at the Township Zoning Officer's discretion; and as the Application is subject to the Township's Transportation Impact Fee, the Applicant shall provide details regarding trips in/out of the facility between 4:00-6:00 p.m., or the Township Traffic Consultant can conduct a study. Mr. Kerr seconded and the Motion carried unanimously.

Approval of Minutes

Mr. Kerr moved, seconded by Mrs. Tomlinson to approve as presented the minutes of the September 10, 2013 Board of Supervisors Workshop and the September 16, 2013 Board of Supervisors Meeting. The Motion carried unanimously.

Approval of Payments

Mrs. Tomlinson moved, seconded by Mr. Kerr, to approve the payments as listed October 17, 2013. Mr. Donatelli abstained regarding Check 10065 as it is a client of his Firm. The Motion carried unanimously.

#### Treasurer's Report

Jill Bukata reported the Township's financial position remains strong; pension and fire relief payments from the State of been received and will be distributed by the end of November; and all departmental expenses are within budget. Mrs. Tomlinson asked why an Investment Policy was being drafted. Mrs. Bukata explained a Policy should be in place to provide guidance for the trigger to invest excess funds, how to invest those funds, and identify specific protocols to do so.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to accept the Treasurer's Report. So moved.

#### Supervisor's Report

Mr. Donatelli announced that Executive Sessions were held October 8 and October 21 regarding legal, personnel, and real estate matters.

Mr. Donatelli read the following calendar: November 5, 2013 Election Day; November 7, 2013 4:00 p.m. Chester County Association of Township Officials' Fall Conference; November 12, 2013 4:00 p.m. Board of Supervisors Workshop; November 18, 2103 7:00 p.m. Board of Supervisors Meeting; November 28-29, 2013 Township Office Closed – Thanksgiving.

#### Administration Reports

##### Township Engineer's Report

Dave Leh reported Toll Bros. has requested an escrow release for landscaping and related public improvements for the Ewing Tract. Gilmore and Associates reviewed the request and recommended release of \$133,296.50, leaving \$477,800+ in escrow. Mr. Kerr moved, seconded by Mrs. Tomlinson, to release \$133,296.50 as requested. The Motion carried unanimously.

Dave Leh reported Toll submitted land development plans for the Frame Property on Little Conestoga Road. The Planning Commission accepted the Plans for consultant review.

##### Building and Codes Department Report

Al Gaspari reported that 42 building permits were issued in September, totaling \$9,500.00 in permit fees; a new generator is on order for the Township Building; the electric service to the Township Building will be upgraded to 400 amp service; a vacant building is being demolished on Byers Road; a new home is being built next to Hickory Park.

##### Police Chief's Report

Chief DeMarco reported 998 calls were handled in September, including 11 reported crimes.

##### Public Works Department Report

Mike Heckman reported that slurry seal was applied on Moore Road, leading up to the curve, to increase traction; personnel are cleaning storm drains – a vacuum truck will be hired to remove excessive leaves and branches in certain drains; the season is not yet over for grass mowing; and the Department will install 700 feet of pipe along West Township Line Road.

##### Land Development

The Ewing Tract escrow release is detailed above in the Township Engineer's Report.

##### Administration

Mr. Donatelli explained that at our request, the law firm of Buckley Brion McGuire Morris & Sommer has provided us with a fee agreement to assist us with amending our wireless facilities ordinance in order to provide for the advances that have occurred in technology since the 1997 adoption of our current Ordinance. Mr. Kerr moved, seconded by Mrs. Tomlinson, to approve the fee agreement with Buckley Brion. The Motion carried unanimously.

Resident Steve McNaughton questioned the need to revise the cell tower ordinance. Mr. Donatelli explained there is the potential for litigation if it's too outdated, and to protect ourselves from the locations that new technology may be placed.

Resolution of Condemnation. Mr. Donatelli explained the TeppCo pump station on Little Conestoga Road is available for purchase. The Township is interested in the property and negotiated a \$150,000 purchase price for the 8 acre parcel, to be used for Township purposes (yet to be determined). The Board is requested to adopt Resolution 10-21-13-08 authorizing the acquisition of this property, preferably through an Agreement of Sale, rather than condemnation.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to adopt Resolution #10-21-13-08 authorizing the acquisition of the former TeppCo parcel. The Motion carried unanimously.

Special Fire Police Ordinance. The Board of Supervisors has discussed repealing the Special Fire Police Ordinance (1985) in favor of governing Special Fire Police via Resolution, in order to update the language to reflect current policies and procedures. Mr. Kerr moved, seconded by Mrs. Tomlinson, to adopt Ordinance #2013-02, which will repeal the existing Special Fire Police Ordinance, and adopt Resolution #10-21-13-09, which will provide the administrative and operations policies for Special Fire Police Use in Upper Uwchlan Township. The Motion carried unanimously.

The Board of Supervisors would like to recognize and honor Pat Morrison as she retires from 26 years of dedicated service as Secretary of the Chester County Association of Township Officials, of which Upper Uwchlan is a member. Mr. Kerr moved, seconded by Mrs. Tomlinson, to adopt Resolution #10-21-13-10 recognizing Pat. The Motion carried unanimously.

Mr. Kerr moved, seconded by Mrs. Tomlinson, to authorize advertisement of the Board's intent to discuss and consider for adoption in November: 1. an Ordinance to provide zoning exemption for West Vincent Township for one parcel they own in Upper Uwchlan Township; and 2. An Ordinance adopting the 2009 International Property Maintenance Code which provides for regulations pertaining to the conditions and maintenance of properties, buildings and structures. The Motion to advertise carried unanimously.

Mr. Vargo requested the Board approve the purchase of 100 96-gallon recycling toter carts, using funds from the Solid Waste Account. There are very few recycling carts available (64-gallon) since the initial distribution in 2010, and we'd also like to be able to offer a 96-gallon size for those interested in a larger recycling container. Mr. Donatelli moved, seconded by Mr. Kerr, to approve the purchase of 100 96-gallon recycling toters at \$59.85 each. The Motion carried unanimously.

Mr. Vargo explained there will be several changes to the weekly trash collection beginning January 1, when the Hauler will use automated trucks for trash only – recycling collection will remain semi-automated. Weekly trash collection will be limited to one 96-gallon Township-provided toter cart; the carts need to be placed curbside 3 feet from each other and 3 feet from immovable objects such as mailboxes, vehicles, fences, etc. Informational flyers will be mailed to residents and posted on the Township website.

#### Open Session

Barb Edwards thanked Mike Heckman for adjusting the traffic light timing recently, Al Gaspari for assisting the Mews with a special project, and Corporal Carr for his care and interaction with the community.

Steve McNaughton commented that his property will be greatly impacted by the Columbia Gas Pipeline Expansion project and asked Cary Vargo to summarize a meeting held with representatives of the Pipeline. Mr. Vargo advised that the route of the pipeline and its effect on Township properties had been reviewed. The Township-owned properties most affected are the proposed "pullback" areas – near Fellowship Fields, at Upland Farm and at the Lakeridge wastewater treatment facility. The Township plans to file a letter to the Federal Energy Regulatory Commission (FERC) by the end of October detailing our concerns for the minimization of damage and repair of those properties that were discussed and agreed to by the representatives of the Pipeline.

Steve Senn (Jr.) commented on the left-turn timing for the East Township Line Road / Route 100 light.

Steve Senn (Sr.) commented on drivers cutting the turn short when turning left from Park Road to northbound Route 100, and asked who will replace the Park Road pedestrian bridge when the Turnpike is widened. Mr. Vargo and Mrs. Tomlinson replied the Turnpike is responsible for and will replace the pedestrian bridge.

#### Adjournment

There being no further business to be brought before the Board, Mr. Donatelli adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Gwen A. Jonik  
Township Secretary